

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

.....X
FLAWLESS STYLE LLC and FLORIDAHUSKER
LLC,

Case No. 1:23-cv-02354

Plaintiffs,

- against -

~~[PROPOSED]~~ TEMPORARY
RESTRAINING ORDER ~~AND~~
~~PRELIMINARY INJUNCTION~~

SAADIA GROUP LLC,

Defendant.

.....X

Upon the Declarations of Matthew S. Barkan and Gabrielle Union, dated April 17, 2023
and April 15, 2023, respectively; all exhibits attached thereto; and the accompanying
memorandum of law:

IT IS HEREBY ORDERED that ~~throughout the pendency of the above-captioned action,~~
~~the~~ Defendant, its subsidiaries, partners, members, affiliates, officers, agents, servants, attorneys,
employees and those in active concert or participation with them or any of them who receive actual
notice of this ~~stipulation and e~~Order are hereby temporarily restrained ~~and preliminarily enjoined~~
from:

1. any further use of Plaintiffs' intellectual property, including in whole or in part the
trademark "GABRIELLE UNION," or any other mark, word, name or symbol confusingly
similar to the GABRIELLE UNION mark which is likely to cause confusion, mistake or
to deceive in connection with any merchandise, goods, or services;
2. Continuing the acts of unfair competition complained of in the First Amended Complaint
(ECF No. 11), including but not limited to any use of the name "Gabrielle Union" or any
other conduct that falsely suggests an ongoing association between Plaintiffs or their goods,
on the one hand, and Defendants and its goods, on the other;

3. Manufacturing, distributing or selling any Collection Merchandise, as defined in that certain License and Spokesperson Agreement effective as of June 1, 2021 between Flawless Style LLC and Saadia Group LLC (the “License Agreement”), except as set forth further below.

IT IS HEREBY FURTHER ORDERED that Defendant shall immediately comply with instructions (1) through (3) above, provided that Defendant shall remove all references to Plaintiffs’ intellectual property from any website on which Collection Merchandise is sold as follows:

- (a) Within three (3) business days from the date of this ~~stipulation~~ Order with respect to the websites www.lordandtaylor.com, www.nyandcompany.com and www.fashiontofigure.com; and
- (b) within ten (10) business days from the date of this ~~stipulation~~ Order with respect to any other use of Plaintiff’s intellectual property.

IT IS HEREBY FURTHER ORDERED that, subject to and following the removal of all references to Plaintiffs’ intellectual property from any website on which Collection Merchandise is sold, Defendant may thereafter sell items comprising Collection Merchandise if, and only if, Defendant first removes all Artist Identification (as defined in the License Agreement) from such items as follows:

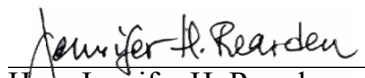
1. With respect to items with sewn-in labels and tags, hang tags, other labels or tags, packaging and/or any other device utilized on or in connection with the Collection Merchandise and bearing the Artist Identification, such labels, tags packaging and/or devices must be fully removed.

2. With respect to footwear and any other Collection Merchandise on which Artist Identification is embossed, debossed or printed, Defendant may not sell such items.

IT IS HEREBY FURTHER ORDERED that Defendant shall file with the Court and serve upon Plaintiffs' counsel, within fourteen (14) days ~~after of~~ the date of this ~~stipulation~~Order, a report in writing, under oath setting forth in detail the manner and form in which Defendant has complied with this ~~stipulation~~Order.

IT IS HEREBY FURTHER ORDERED that this ~~stipulation~~Order shall remain in effect pending a hearing on Plaintiffs' application for a preliminary injunction. The hearing shall take place on May 3, 2023 at 1:30 p.m. Defendant's opposition shall be due April 27, 2023 at 5:00 p.m. Plaintiffs' reply, if any, shall be due May 1, 2023 at 5:00 p.m. ~~through and until the final resolution of this action.~~

SO ORDERED:



Hon. Jennifer H. Rearden
United States District Judge

Date: April 21, 2023